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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,678	09/28/2006	John Kerry	36-2025	2212
23117 7590 01/10/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER WONG, ERIC K	
			ART UNIT 2883	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,678	KERRY ET AL.	
	Examiner	Art Unit	
	Eric Wong	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 03/046622 (Applicant's prior art).

'622 discloses an installation for terminating a network cable of a public communication network at customer premises, the installation comprising:

- Termination means for terminating the network cable (8), and
- Connection means for allowing a connection to be made between the public communications network and the customer premises (6, 11),

- The termination means being enclosed within an external wall (1, 2) of the customer premises, the apparatus further including:
 - A first closeable access aperture (4) to permit access to the termination from outside, and
 - A second closeable access aperture (3) to permit access from the inside.

As to claim 2, the sleeve (3) bridges a cavity between an outside and inside wall.

As to claim 6, the cable is an optical fiber.

As to claim 7, the cable is spliced to a connector.

As to claim 9, data is supported.

Claim Rejections - 35 USC § 103

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 6,496,641 to Mahony in view of United States Patent Number 6,249,671 to Tucker et al.

Mahony discloses an installation for terminating a network cable of a public communication network at customer premises, the installation comprising:

- Termination means for terminating the network cable (802), and
- Connection means for allowing a connection to be made between the public communications network and the customer premises (812),
- The termination means being mounted on an external wall (1, 2) of the customer premises, the apparatus further including:
 - A first closeable access aperture (120) to permit access to the termination from outside, and

- A second closeable access aperture (124) to permit access from the inside.

As to claims 6-9, the device uses splice terminated optical fibers for transmission of data, video or telephony applications.

However, Mahony fails to disclose mounting such an enclosure within the wall of a customer premises.

Tucker et al. teaches enclosures and methods of adjustable flush mounting network devices within walls or ceilings.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to flush mount the device of Mahony and incorporate such structure into a wall for the purposes and motivation of improving aesthetics.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahony in view of Tucker et al. as applied to claim 1 above, and further in view of United States Patent Application Publication 2003/0184446 to Romano et al.

Mahony in view of Tucker et al. discloses the invention as claimed except for a solar power supply. It is noted that attaching and supplying solar power to an already established electrical power system is well known in the art.

Romano et al. teaches such a well known power backup system. When supplied electrical power is interrupted, solar power is used to backup the system to ensure there are no outages. Supplementing solar to already known optical network terminals with batteries (such as US 2004/0268160) would have been within the level of skill of one having ordinary skill in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to supply a solar power backup to an electrical system in order to prevent service interruptions.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. United States Patent Application Publication 2006/0098931.
- b. United States Patent Application Publication 2005/0094959.
- c. United States Patent Number 5,647,045.
- d. United States Patent Number 5,434,944.
- e. United States Patent Number 5,303,320.
- f. United States Patent Number 5,274,731.
- g. United States Patent Application Publication 2006/0153516.
- h. United States Patent Number 6,721,484.
- i. United States Patent Number 6,980,725.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

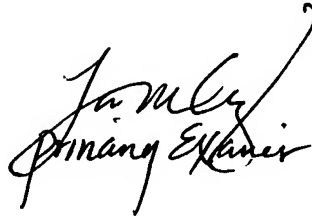
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

//Eric Wong//

EW



Handwritten signature of J. M. Lee, with the name 'J. M. Lee' written in cursive above the signature.